

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 2004-01:  
WIND RIDGE POWER PARTNERS, LLC;  
WILD HORSE WIND POWER PROJECT

APPLICANT'S RESPONSE TO INTERVENOR F.  
STEVEN LATHROP'S OBJECTION TO  
COUNCIL ORDER 805

Mr. Lathrop filed an objection pursuant to WAC 463-30-270(3) to Pre-Hearing Order No.1, Council Order 805. Mr. Lathrop objected as follows:

1. To the order regarding his petition for intervention, alleging that it was inconsistent with WAC 463-30-400 and WAC 463-30-410.
2. To the EFSEC decision allowing intervention by the Economic Development Group of Kittitas County, alleging that there was no evidence regarding its statutory authority and direct interest.
3. Objecting to the intervention of both Friends of Wildlife and Wind Power and the Economic Development Group of Kittitas County on the basis that their interests are not different from the general public.

These objections raise no additional bases regarding the respective interventions other than those already considered and fully analyzed in the briefs and Order No. 805. Mr. Lathrop failed to establish with particularity any interest which would be impaired or impeded as required by the APA and WAC 463-30-400. As argued in the Applicant's brief, the Applicant believes EFSEC could have denied Mr. Lathrop's intervention in full. However, EFSEC decided to exercise its discretion (conferred by statute) and allowed intervention on the sole issue of the alleged economic impacts to

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OBJECTION

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1 Mr. Lathrop's property, despite recognizing the marginal nature of his claims. This decision was  
2 pursuant to the discretion accorded to EFSEC by RCW 80.50.040, the APA and WAC 463-30-400.  
3 The Applicant's legal position has been fully articulated in its brief in opposition to Mr. Lathrop's  
4 petition for intervention.

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6 Mr. Lathrop's objections to the intervention of Friends of Wildlife and Wind Power and The  
7 Economic Development Group of Kittitas County, are untimely. If he wished to object to those  
8 groups' intervention, he was required to file such objections immediately after the pre-hearing  
9 conference, like all of the other parties. Council Order 805 sufficiently addresses Lathrop's  
10 objections concerning these intervenors.

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12 Mr. Lathrop's objections should be denied.

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15 DATED this 6th day of January, 2005

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Darrel L. Peeples, WSBA No. 885  
Attorney for Applicant

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19 STOEL RIVES, LLP

20 DATED this 6th day of January, 2005

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By: Timothy L. McMahan, WSBA No. 16377  
Attorneys for Applicant